

**Language for Inclusion in Regulation No. 103-811.5****F. Role of Qualified, Independent Third-Party Consultants or Experts Necessary to Effectuate § 58-41-20(I) of the “SC Energy Freedom Act” (also referred to as Act 62)**

(1) Commissioners and Commission employees are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The qualified, independent third-party consultant or expert is subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as all other parties. The qualified, independent third-party consultant or expert shall submit all requests for documents and information necessary to conduct its analysis under the authority of the Commission, and the Commission shall have full authority to compel responses from parties to the requests. The qualified, independent third-party consultant or expert's duty will be to the Commission.

(2) The qualified, independent third-party consultant or expert is prohibited from furnishing, augmenting, diminishing, or modifying the evidence in the record, pursuant to S.C. Code Ann. § 58-3-260(C)(8)(b).

(3) All communications between any party and the qualified, independent third-party consultant or expert must be communicated to all parties contemporaneous with the original communication.

(4) Upon retention by the Commission, the qualified, independent third-party consultant or expert shall sign an acknowledgement of the ex parte prohibitions in Chapter 3, Title 58.

(5) The qualified, independent third-party consultant or expert shall submit a proposed procedural schedule for the timing of the development and issuance of its report and its intended approach to complying with the ex parte prohibition provisions in carrying out its responsibilities to the Commission.

**G. Procedure for Effectuating S.C. Code Ann. § 58-41-20(I)**

The qualified, independent third-party consultant or expert:

(1) Shall notify the parties to a proceeding of any recommendations or conclusions made by the qualified, independent third-party consultant or expert and provide a reasonable explanation of the bases for such recommendations or conclusions;

(2) May be deposed by any party pursuant to S.C. Code Regs. Ann. § 103-834;

(3) May be called to testify by the Commission or any party;

(4) May be cross-examined by any party, including the party that called the qualified, independent third-party consultant or expert to testify; and

(5) May be required to respond to Written Interrogatories and Requests for Production of Documents and Things pursuant to S.C. Code Regs. Ann. § 103-833.